## **United States District Court**

## Northern District of Oklahoma

STATE OF OKLHOAMA, ex rel., et al. **PLAINTIFF** 

V.

THIRD PARTY SUMMONS IN A CIVIL ACTION

TYSON FOODS, INC. et al.

**DEFENDANTS AND THIRD-PARTY PLAINTIFFS** 

v.

CASE NUMBER: 05-CV-0329-TCK-SJA

City of Tahlequah, et al.

THIRD PARTY DEFENDANTS

To:

Kenneth D. Spencer individually

Route 1, Box 222, Kansas OK 74347

YOU ARE HEREBY SUMMONED and required to file with the clerk of this court and serve upon

## PLAINTIFF ATTORNEY

Douglas Allen Wilson Melvin David Riggs Richard T. Garren Sharon K. Weaver Riggs Abney Neal Turpen Orbison & Lewis 502 West 6<sup>th</sup> Street Tulsa, OK 74119-1010

## DEFENDANT AND THIRD PARTY PLAINTIFFS ATTORNEYS:

A. Scott McDaniel Joyce, Paul & McDaniel PLLC 1717 South Boulder, Suite 200 Tulsa, OK 74119 For Peterson Farms

Robert W. George Kutack Rock LLP The Three Sisters Building 214 West Dickson Street Fayetteville, AR 72701-5221 For Tyson Foods, Inc.

R. Thomas Lay Kerr, Irvine, Rhodes & Ables 201 Robert S. Kerr Ave., Suite 600 Oklahoma City, OK 73102 For Willow Brook Foods, Inc. Robert P. Redemann Lawrence W. Zeringue David C. Senger

Perrine, McGivern, Redemann, Reid,

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Berry & Taylor, PLLC P. O. Box 1710 Tulsa, OK 74101-1710 For Cal-Maine Foods, Inc.

George W. Owens Randall E. Rose The Owens Law Firm, P.C. 234 West 13<sup>th</sup> Street Tulsa OK 74119

Tulsa, OK 74119 For George's Inc.

John R. Elrod Vicki Bronson Conner & Winters, P.C. 100 West Center Street, Suite 200 Fayetteville, AR 72701 For Simmons Foods, Inc.

an answer to the Third-Party Complaint which is herewith served upon you within 20 days after the service of this summons upon you exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Third-Party Complaint. There is also served upon you herewith a copy of the Complaint of the Plaintiff. You have the option of answering or not answering the Plaintiff's Complaint unless (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, and (2) the Third-Party Plaintiff is demanding judgment against you in favor of the original Plaintiff under the circumstances described in Rule 14(c) Federal Rules Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of Plaintiff as well as to the claim of the Third-Party Plaintiff.

| Phil Lombardi     |             | MAR 1 5 2006 |
|-------------------|-------------|--------------|
| Clerk S. Ma Dan   | Date        |              |
| (By) DEPUTY CLERK | <del></del> |              |

|   | RETUR                          | N OF SERVICE              |                   |                                |  |
|---|--------------------------------|---------------------------|-------------------|--------------------------------|--|
| Service of the Summons and complaint was                                    | made by me <sup>(1)</sup> DATE | 3-18.                     | -06               | -                              |  |
| NAME OF SERVER (PROT)   | da TITLE                       | process                   | SERV              | er                             |  |
| Check one box below to indicate app   | ropriate method of set         | vice                      |                   |                                |  |
| Served personally upon the thi  | rd-party defendant. Pl         | ace where served:         |                   |                                |  |
| Left copies thereof at the third discretion then residing therein           |                                | elling house or usual pla | ace of abode with | h a person of suitable age and |  |
| Name of person with whom th   | e summons and compla           | aint were left:           |                   |                                |  |
| Returned unexecuted:  |                                |                           |                   |                                |  |
| Other (specify):  |                                |                           |                   |                                |  |
|   | STATEMEN                       | T OF SERVICE FEI          | ES                |                                |  |
| TRAVEL  | SERVICES                       |                           |                   | TOTAL                          |  |
|   | DECLARA                        | TION OF SERVER            |                   |                                |  |
| I declare under penalty contained in the Return of Service Executed on Date | e and Statement of Ser         | vice Fees is true and co  | orrect.           | the foregoing information      |  |
|   |                                |                           |                   |                                |  |

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.